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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 6307/2024, CRL.M.A. 24131/2024

SHRI VIKASH

.....Petitioner

Through: Mr. Vikrant Dabas, Mr. Jaideep
Malik, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for State and SI
Saransh Malik, PS Vijay Vihar.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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13.09.2024

1. The present petition has been filed on behalf of the petitioner under Section 482 Cr.P.C. seeking setting aside of impugned order dated 03.08.2024 passed by Ld. JMFC, North, Rohini Courts, Delhi in Complaint Case No. 23837/2023.
2. The petitioner has challenged the impugned order dated 03.08.2024 whereby the objection of the complainant upon seeking the report from DMC(Delhi Medical Council) was rejected.
3. Briefly, stated the fact are that on 26.09.2023, the wife of the petitioner was pregnant and was undergoing labour pain and was admitted to Brahm Shakti Hospital under Dr. Sadhna Gautam and delivered a baby girl which was delivered from malpresentation i.e., face to pubis presentation. On 27.09.2023 the wife of the petitioner was shifted to



ICU where she died on account of Hemorrhagic Shock in an operated case of bilateral internal iliac artery ligation, done for postpartum hemorrhage following abnormal vaginal delivery.

4. The petitioner submitted that the medical condition of his wife was not informed. The petitioner states that wife lost her life on account of the negligence of the doctors. Aggrieved of this, the petitioner filed a private complaint before the Ld. MM and also filed an application seeking direction to IO to obtain a medical opinion from a Government Hospital/Doctor or AIIMS. However, learned counsel for the petitioner submits that the DMC in its report dated 22.08.2024 had made following observations:

“1) Smt. Himanshl, a 23-year-old female, was admitted to Brahm Shakti Hospital on 26-09-23 at 01:50 p.m. for delivery. She was diagnosed as G2P1L1 with 36 weeks pregnancy with leaking P.V. Her delivery was conducted by Dr. Sadhana Gautam, resulting in the birth of a female baby weighing 2.4 kg at 07:37 p.m. on 26-09-23 through Normal Vaginal Delivery.

Following delivery, the patient experienced heavy bleeding due to lateral tear of cervix. Despite administration of Tranexa Injection and suturing of the cervical tear, the bleeding persisted. Vaginal packing was performed, and arrangements were made for two units of packed red blood cells (PRBC).

Despite all measures the patient continued to bleed. The patient was subjected to laparotomy and internal iliac artery ligation under general anesthesia, with proper consent. The surgery was performed by Dr. Sadhana Gautam and Dr. Ramneek Grover,



and anesthesia administered by Dr. Nikhil Bhatnagar.

Despite surgical Intervention and transfusion of PRBC and Fresh Frozen Plasma (FFP), the patient's condition continued to deteriorate, leading to her demise at 04:30 a.m. on 27-09-23. The post-mortem report no. 710/2023 from Maulana Azad Medical College cited the cause of death as hemorrhagic shock in an operated case of bilateral Internal Iliac artery ligation, performed for postpartum hemorrhage following vaginal delivery.

2) It is observed that subsequent to normal vaginal delivery, the patient had PPH. Any patient can have PPH after delivery which is a known complication. In this patient first conservative management was done as per the protocol and subsequently surgical Intervention was also done. In a case of severe PPH despite all the measures the mortality is high because of rapid blood loss.

3) Despite appropriate management, the severity and rapid progression of the condition led to a fatal outcome, which unfortunately can occur in such critical situations despite best efforts. This case highlights the challenges and risks associated with postpartum hemorrhage, especially In cases where initial treatments do not suffice. It also underscores the Importance of timely recognition, appropriate Intervention, and the unpredictable nature of medical emergencies despite diligent medical care.

In light of the observations made hereinabove it is the decision of



the Disciplinary Committee that no medical negligence can be attributed on the part of doctors of Brahm Shakti Hospital in the treatment of the patient Smt. Himanshi.”

5. Learned counsel submits that the matter may be referred to any Government Medical Hospital for ascertaining the medical negligence on the part of doctors of Brahm Shakti Hospital, U-1/78, Budh Vihar, Main Kanjhawala Road, Delhi-110086 in the treatment administered to Smt. Himanshi resulting in her death on 29.09.2023.
6. Learned APP for the state has submitted that the DMC (Delhi Medical Council) which is a statutory body has given a detailed and comprehensive report and there is no reason for referring the matter again to any other government hospital. Learned APP submits that the entire case in the Delhi Medical Council has been brought by five senior doctors. Learned APP also submitted that even otherwise, the petition is not maintainable as the petition should have been filed before the Sessions Court.
7. Learned counsel for the petitioner has relied upon *Jacob Mathew vs. State of Punjab* (2005) 6 SCC 1, wherein it was inter-alia held that investigating officers are advised to seek an independent medical opinion, preferably from a government doctor qualified in the relevant medical field, before proceeding against a doctor, and the officer should ensure that the opinion is impartial and unbiased.
8. This Court also in CRL.M.C. 1674/2022 titled *Himanshu Singhal & Anr. Vs. State of NCT of Delhi* has in the similar circumstances had sought the report from Dean, Maulana Azad Medical College, New Delhi.



9. In view of the facts and circumstances, IO is directed to get the medical opinion regarding the negligence from Maulana Azad Hospital. Dean, Maulana Azad Medical College, New Delhi is requested to constitute a Medical Board and submit detailed enquiry report. The petitioner may also be permitted to join the proceeding. IO is directed to take necessary steps.
10. In view of the above, the petition stands disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 13, 2024/AR/NA..